

1 LENARD E. SCHWARTZER  
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4 (702) 307-2022

5 TRUSTEE

6  
7 **UNITED STATES BANKRUPTCY COURT**  
8 **DISTRICT OF NEVADA**

9 In re ) Case No. BK-S 10-19333 BAM  
10 MAYA, EVERARDO BAEZ ) IN PROCEEDINGS UNDER CHAPTER 7  
11 ) TRUSTEE'S MOTION TO DISMISS CASE  
12 ) PURSUANT TO BANKRUPTCY CODE § 521(e)  
13 Debtor(s) ) Date: August 25, 2010  
14 ) Time: 11:00 a.m.  
15 ) Place: Foley Bldg., Third Floor

16 The Motion of Lenard E. Schwartzter (the "Trustee") to dismiss this case represents:

17 1. Debtor filed for relief under the Bankruptcy Code on May 20, 2010, and the Trustee has  
18 duly qualified and is now acting as the Chapter 7 Trustee of the estate of the above-referenced debtor.

19 2. Debtor failed to provide Trustee with his 2008 and 2009 Federal Income Tax Returns  
20 seven (7) days before the 341 meeting conducted in this case and Debtor has failed to provide any  
21 explanation for said failure.

22 3. There has been one (1) continued 341 meetings to allow the Debtor to provide his tax  
23 returns and answer questions that may arise from the trustee's review of his tax return.

24 4. Bankruptcy Code § 521(e) provides:

25 (1) If the debtor in a case under chapter 7 or 13 is an individual and if a creditor files  
26 with the court at any time a request to receive a copy of the petition, schedules, and  
27 statement of financial affairs filed by the debtor, then the court shall make such  
28 petition, such schedules, and such statement available to such creditor.

(2)

1 (A) The debtor shall provide—

2 (i) not later than 7 days before the date first set for the first meeting of  
3 creditors, to the trustee a copy of the Federal income tax return required  
4 under applicable law (or at the election of the debtor, a transcript of such  
5 return) for the most recent tax year ending immediately before the  
6 commencement of the case and for which a Federal income tax return  
7 was filed; and

8 (ii) at the same time the debtor complies with clause (i), a copy of such return  
9 (or if elected under clause (i), such transcript) to any creditor that timely  
10 requests such copy.

11 (B) If the debtor fails to comply with clause (i) or (ii) of subparagraph  
12 (A), the court shall dismiss the case unless the debtor demonstrates that  
13 the failure to so comply is due to circumstances beyond the control of the  
14 debtor.

15 5. Further, Debtor has failed to attend his Meeting of Creditors scheduled for June 28, 2010, and  
16 a continued hearing scheduled for July 12, 2010.

17 Wherefore, Trustee prays for an order dismissing this case, and such other and further relief as  
18 is just and proper.

19 DATED this 14th day of July, 2010

20   
21 LENARD E. SCHWARTZER, TRUSTEE

22 **DECLARATION OF TRUSTEE**

23 I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my  
24 knowledge, information and belief.

25 DATED: July 14, 2010

26   
27 LENARD E. SCHWARTZER  
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